

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

JOHN BARNHARDT, et al.,)	
)	
Plaintiffs,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	Civil Action No. 4:65-cv-01300-HTW-LRA
)	1300(E)
Plaintiff-Intervenor,)	
)	
v.)	
)	
MERIDIAN MUNICIPAL SEPARATE)	
SCHOOL DISTRICT, et al.,)	
)	
Defendants.)	

PRIVATE PLAINTIFFS’ MOTION TO COMPEL PRODUCTION OF INFORMATION

Private Plaintiffs John Barnhardt *et al.* (collectively, “Plaintiffs”) hereby move this Court for an order compelling Defendant Meridian Municipal Separate School District (the “District”) to provide the following information sought in Plaintiffs’ Requests for Information. The outstanding requests are as follows:

1. Teacher quality metrics by school for school year (“SY”) 2015-2016 through present, including counts of both experienced faculty (with at least three years of experience) and novice teachers (with less than three years of experience), in which subject areas they are certified and in which school they are located;
2. The percentage of students enrolled at each school with free and reduced price lunch, broken down by race, from SY 2015-2016 to present;
3. An Excel spreadsheet, in native format, showing scores of Advanced Placement (“AP”)

- student test takers by race, disaggregated by race, from SY 2015-16 to 2017-18;
4. AP exam results (passing or not passing), disaggregated by race, from SY 2015-16 to 2017-18;
 5. For SY 2016-2017 and SY 2017-2018, an Excel spreadsheet, in native format, showing retention data;
 6. An Excel spreadsheet, in native format, showing cohort graduation data beginning SY 2015-2016 to present;
 7. The graduation rate, disaggregated by race, from SY 2014-15 through SY 2016-2017; and
 8. The dropout rate, disaggregated by race, from SY 2013-14 through SY 2017-2018.

To each of these requests, the Defendants objected as follows: “The District objects to this request as outside the scope of the District’s operative desegregation orders and not relevant to any party’s claim or defense in this case. Fed. R. Civ. P. 26(b)(1).”

In support of this Motion, Plaintiffs incorporate the accompanying Memorandum and the following Exhibits:

Declaration of Natasha C. Merle

Exhibit 1: November 7, 1969 Desegregation Court Order

Exhibit 2: Plaintiffs’ June 19, 2018 Requests for Information

Exhibit 3: Plaintiffs’ July 25, 2018 Supplemental Requests for Information

Exhibit 4: Plaintiffs’ August 28, 2018 Meet and Confer Letter

Exhibit 5: Good Faith Certificate

For reasons set forth more fully in the accompanying Memorandum of Law, all the information sought is relevant to the District’s pending Motion for Declaration of Unitary Status,

ECF 53, and Plaintiffs are entitled to its production under Federal Rule of Civil Procedure 26.

Pursuant to Rule 26, Plaintiffs served Defendants with Requests for Information (“RFIs”) on June 19, 2018. The District responded on June 22, 2018, objecting to the relevance of seven of the Plaintiffs’ requests. On July 5, 2018, Plaintiffs responded to these objections, and on July 25, Plaintiffs propounded supplemental information requests. The District replied, maintaining all its objections, on July 31, 2018.

On August 22, 2018, the Court held a telephonic scheduling conference, at which the Court ordered Plaintiffs to provide the District with a good faith letter specifying their outstanding RFIs. The Court further ordered the District to either produce the requested information or to submit its objections to the Court. ECF 77. On August 28, 2018, Plaintiffs sent a good faith letter to the District. The District responded on September 7, 2018, with written objections to Plaintiffs’ outstanding RFIs. ECF 77. The District filed these objections with the Court on September 13. ECF 77. On September 21, 2018, Plaintiffs filed a response to the District’s objections. ECF 81.

The Court held a status conference on September 24, 2018, at which Plaintiffs raised the issue of their outstanding RFIs. The parties informed the Court that they had reached an impasse regarding the RFIs after conferring in good faith. At the conference, the Court ordered the Plaintiffs to file a motion to compel and set a briefing schedule.

Because all the information requested is relevant and the District has not otherwise offered a sufficient reason for failing to produce it, Plaintiffs respectfully request the Court order production of all requested information and any other additional relief as may be appropriate.

The parties have conferred in good faith. The District opposes the Motion.

Dated: October 1, 2018

Respectfully Submitted,

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Counsel for Private Plaintiffs
**Pro Hac Vice Pending*

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October 2018, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel record.

/s/ Natasha Merle
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